

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2021-89-E**  
**DOCKET NO. 2021-90-E**

IN RE:	)	
Duke Energy Carolinas, LLC's and	)	<b>PETITION</b>
Duke Energy Progress, LLC's	)	<b>FOR</b>
2021 Avoided Cost Proceeding	)	<b>ALTERNATIVE RELIEF</b>
Pursuant to S.C. Code Ann.	)	
Section 58-41-20(A)	)	

**PETITION**

**INTRODUCTION**

This Petition is filed on behalf of the Carolinas Clean Energy Business Association ("CCEBA"). The prefiling Notices, Hearing dates, etc. for Duke Energy Carolinas, LLC's, Integrated Resource Plan and Duke Energy Progress, LLC's, Integrated Resource Plan, Dockets 2019-224-E and 2019-225-E, were consolidated. However, in response to an earlier inquiry to Special Counsel, David Butler, Mr. Butler indicated that no formal Order had been issued authorizing the consolidation of Dockets 2019-224-E and Docket 2019-225-E, (see Exhibit "A" attached hereto). **Currently** in Duke Energy Carolinas, LLC's 2021 Avoided Cost Proceeding, Docket 2021-89-E, and Duke Energy Progress, LLC's 2021 Avoided Cost Proceeding, Docket 2021-90-E, the prefiling Notices, Hearing dates, etc. are also consolidated, but once again, not by a formal Order from this Commission. CCEBA's Petition for Alternative Relief, pursuant to this Commission's R. 103-825 follows.

**BACKGROUND FOR PETITION**

Previously, when CCEBA filed its Applications for Admission *Pro Hac Vice* for Attorneys Benjamin Snowden and John D. Burns in Dockets 2019-224-E and 2019-225-E, the South Carolina Supreme Court required CCEBA to pay four filing fees (2 fees, for each attorney). The Supreme Court required payment of two fees for each Docket, because two Commission Dockets were denominated on the Applications *Pro Hac Vice*. After informal inquiry, a representative of the Supreme Court stated that if CCEBA could produce an Order from this Commission consolidating the two Dockets, the Supreme Court would only require one fee for the two consolidated Dockets, and also only count one appearance for each attorney towards the Supreme Court's limit of six *Pro Hac Vice* appearances per calendar year in South Carolina. In Dockets 2019-224-E and 2019-225-E, the Supreme Court counted two Applications

for Admission *Pro Hac Vice* against Attorney Snowden and two Applications for Admission *Pro Hac Vice* against Attorney Burns, towards the Supreme Court's limit of six Applications for Admission *Pro Hac Vice* per calendar year. It appears that in those two Dockets other parties made a single Application for Admission *Pro Hac Vice* and paid a single fee, yet participated in both Dockets 2019-224-E and 2019-225-E.

#### RELIEF SOUGHT

The undersigned therefore requests relief from this Commission, that if in instances like Dockets **2019-224-E/2019-225-E** and **2021-89-E/2021-90-E**, where the prefiling Notices, Hearing dates, etc., are consolidated for the convenience of this Commission's staff, this Commission will issue an Order of Consolidation in those Dockets and future consolidated Dockets which may be presented to the Supreme Court to allow the intervening party's counsel to submit one Application *Pro Hac Vice* filing for the two consolidated Dockets.

#### ALTERNATIVE RELIEF SOUGHT

In the alternative, the undersigned requests that in instances like Dockets **2019-224-E/2019-225-E** and **2021-89-E/2021-90-E**, where the prefiling Notices, Hearing dates, etc., are consolidated for the convenience of this Commission's staff, this Commission will issue an Order in Dockets 2021-89-E/2021-90-E, and future consolidated Dockets, allowing intervening parties to file one Application for Admission *Pro Hac Vice*, in either of the two consolidated Dockets, which Order will allow the intervening party's counsel to be admitted *Pro Hac Vice* to appear in both of the consolidated Dockets. This Commission's Order will allow the intervening party's counsel to make a single Application *Pro Hac Vice* to the Supreme Court, for either of the two consolidated Dockets. This Commission's Order will "even the playing field" for all intervenors and validate the practice of some intervenors currently making one Application for Admission *Pro Hac Vice*, in Dockets where this Commission has informally consolidated two Dockets.

**WHEREFORE**, Petitioner prays for the following relief:

- (a) this Commission grant the relief sought;
- (b) or that this Commission grant the alternative relief sought; and
- (c) For such other and further relief as this Commission may deem just and proper.

Respectfully Submitted,

/s/Richard L. Whitt

**Whitt Law Firm, LLC**

401 Western Lane, Suite E  
Irmo, South Carolina, 29063  
(803) 995-7719

*As Counsel for Petitioner, Carolinas Clean Energy  
Business Association.*

May 12, 2021